

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

JUN 30 2026

<p>DANIEL T. DORIA,</p> <p>Plaintiff,</p> <p>Vs.</p> <p>COTTONWOOD SPRINGS RV, LLC, and HAPPY JACK LODGE, LLC</p> <p>Defendants.</p>	<p>Case No. S1300CV202580488</p> <p>By: _____</p> <p>ORDER</p> <p>(Hon. Linda Wallace)</p>
--	---

DONNA McQUALITY, Clerk
J HARSHMAN

The Court having reviewed:

1. Vexatious Litigant Motion.

- a. Defendant's Motion to Deem Plaintiff a Vexatious Litigant under A.R.S. § 12-3201,
- b. Plaintiff's Response in Opposition to Defendant's Motion to Deem Plaintiff a Vexatious Litigant under A.R.S. § 12-3201,
- c. Defendant's Reply in Support of its Motion to Deem Plaintiff a Vexatious Litigant under A.R.S. § 12-3201,
 - i. [STRICKEN BY ORDER DATED 04/22/2026: Plaintiff's Emergency Notice of Supplemental Authority re: Defendant's Reply in Support of Vexatious Litigant Motion, and Plaintiff's Emergency Notice of Supplemental Authority
 - ii. Defendant's Response to Defendant's Response to Plaintiff's Supplemental Authority Re: Defendant's Reply in support of the Vexatious Litigant Motion]
- d. Plaintiff's Revised Supplemental Objection to Motion to Deem Vexatious; Notice of Non-Compliance with April 22, 2026 Order,

(X) Plts/Atty Pro Per () Arb w/file

(X) Deft/Atty H-M Law (e) TOTAL 1

(X) CAT Coordinators X 2 (e)

(X) CAT Admin (e) () Arbitr

- e. Plaintiff's 2nd Revised Supplemental Objection to Motion to Deem Vexatious; Notice of Non-Compliance with April 22, 2026 Order,
- f. Defendant's Notice of Lodging [Proposed] Judgment Deeming Plaintiff a Vexatious Litigant Under ARS §12-3201,
- g. Plaintiff's Objection to [Proposed] Judgment Deeming Plaintiff a Vexatious Litigant, and
- h. Defendant's Response to Plaintiff's Objection to [Proposed] Judgment Deeming Plaintiff a Vexatious Litigant.

2. **Sanction Motions**

a. **1st Motion.**

- i. Plaintiff's Motion for Sanctions and Motion to Strike Defendant's Unverified Notice of Errata and Notice of Ongoing Non-Compliance with April 22 Order.
- ii. Response to Plaintiff's Motion for Sanctions and Motion to Strike Defendants' Unverified Notice of Errata and Notice of Ongoing Non-Compliance with April 22 Order.
- iii. Plaintiff's Reply in Support of Motion for Sanctions and Motion to Strike Defendant's Untimely, Defective Response.
- iv. Plaintiff's Notice of Non-Opposition and Request for Summary Disposition Pursuant to Ariz. R. Civ. P. 7.1(b)(2)
- v. Defendant's Response to Plaintiff's Notice of Non-Opposition and Request for Summary Disposition.
- vi. Plaintiff's Omnibus Objection to Defendants' May 6, 2026 Filings and Notice of Non-Response Pending Court Enforcement of the April 22, 2026 Order.

b. **2nd Motion.**

- i. Plaintiff's Motion for Sanctions Against Defendants

c. **Voluntary Withdrawal.**

- i. Plaintiff's Notice of Voluntary Withdrawal of All Pending Motions for Sanctions.
- ii. Defendant's Response to Plaintiff's Notice of Voluntary Withdrawal of

1 All Pending Motions for Sanctions.

2 iii. Plaintiff's Response in Opposition to Defendants' De Facto Motion to
3 Dismiss Now-Withdrawn Sanctions Filings.

4 **3. Summary Judgment Motions.**

- 5 a. Plaintiff's Motion for Partial Summary Judgment (Liability).
6 b. Plaintiff's Separate Statement of Facts in Support of Motion for Partial
7 Summary Judgment.
8 c. Defendant's Response to Plaintiff's Motion for Summary Judgment and
9 Cross Motion for Summary Judgment.
10 d. Defendant Happy Jack Lodge' Separate Statement of Facts in Support
11 of Its Response to Plaintiff's Motion for Summary Judgment and
12 Additional Statement of Additional Undisputed Material Facts.
13 e. Plaintiff's Opposition to Defendants' Cross-Motion for Summary
14 Judgment and Reply in Support of Plaintiff's Motion for Summary
15 Judgment;
16 f. Defendants' Reply in Support of Their Cross Motion for Summary
17 Judgment.

18 **4. Clarification Motion.**

- 19 a. Plaintiff's Motion for Clarification of Ruling Dated January 5, 2026.
20 b. Response to Plaintiff's Motion for Clarification of Ruling Dated January
21 5, 2026.

22 **5. Request for Direction.**

- 23 a. Request to Court for Direction Re: Filing Responsive Pleadings.

24 **I. Background.**

25 The court held a temporary restraining order and preliminary injunction hearing on
26 December 29, 2025, and issued a ruling on January 5, 2026. In the ruling, the court denied
27 Plaintiff's request for a temporary restraining order/preliminary injunction.

28 When Plaintiff filed a Notice of Voluntary Dismissal Without Prejudice on January
19, 2026, the clerk's office marked the case as adjudicated within their system. This caused
some filings to be rejected by the clerk's office that were submitted by both parties. The
court order of 4/22/2026 addressed this problem as it related to active motions, and reset

1 the responsive time to provide the parties an opportunity to make their filings. The court
2 addresses pending motions, below.

3
4 **II. Voluntary Dismissal of Sanction Motions.**

5 On June 18, 2026, Plaintiff filed to voluntarily withdraw specifically Plaintiff's
6 Motion for Sanctions (filed on May 12, 2026) ("First Motion for Sanctions"), Plaintiff's
7 Notice of Non-Opposition and Request for Summary Disposition ("Notice of Non-
8 Opposition"), Plaintiff's Motion for Sanctions Against Defendants (filed on June 16,
9 2026) ("Second Motion for Sanctions").

10 Defendants do not object to the withdrawal of those filings. However, Defendants
11 seek attorney fees per ARS § 12-349 for defending against the withdrawn filings.

12 With respect to the Second Motion for Sanctions, Plaintiff withdrew it prior to the
13 Defendant filing a response. In fact, Plaintiff withdrew the Second Motion for Sanctions
14 on the same day he filed it. Based on the stipulation of the parties, the court deems the
15 Second Motion for Sanctions withdrawn and no attorney fees are awarded for this
16 motion.

17 The Notice of Non-Opposition and First Motion for Sanctions are withdrawn per
18 the agreement of the parties. However, the court notes that Defendant filed responsive
19 pleadings to these documents. In analyzing the First Motion for Sanctions and the Notice
20 of Non-Opposition, the court finds that they were brought without justification and
21 awards sanctions against Plaintiff and for Defendant under Rule 11, ARCP.

22 **IT IS ORDERED** Defendants are awarded attorney fees and costs in responding
23 to the First Motion for Sanctions and the Notice of Non-Opposition. The Defendants may
24 submit a *China Doll* Affidavit within 10 days of this order together with a form of
25 judgment.

26
27 **III. Motion for Clarification.**

28 Plaintiff's Motion for Clarification of the court's ruling of January 5, 2026,
purports to seek clarification. Instead, Plaintiff seeks findings of fact beyond the scope of
the court's preliminary injunction ruling. Notably, a trial court's conclusions formed in a
preliminary injunction hearing do not operate as the "law of the case" that would prevent

1 a judge in a summary judgment motion from conducting an independent legal analysis of
2 the issues. *See City of Flagstaff v. AZ Dep't of Admin.*, 255 Ariz. 7, 12, ¶ 13, 526 P.3d
3 152, 157 (App.Div.1 2023). Plaintiff's Motion for Clarification is denied.

4 **IT IS ORDERED** denying Plaintiff's Motion for Clarification.

5
6 **IV. Summary Judgment Motions.**

7 Both Plaintiff and Defendants filed for summary judgment, albeit Plaintiff only
8 seeks it to establish liability. The burden is on the moving party to make a *prima facie*
9 showing of the lack of any genuine dispute of fact. *See Wells Fargo Bank, NA v. Allen*,
10 231 Ariz. 209, 292 P.3d 195 (App.Div. 1 2012). In evaluating factual disputes, the court
11 views the matters of record in the light most favorable to the party in opposition.
12 *Normandin v. Encanto Adventures, LLC*, 246 Ariz. 458, 441 P.3d 439 (2019).

13 If the moving party meets this burden, the opposing party must show by competent
14 evidence that specific facts create a genuine issue for trial. *Doe v. Roe*, 191 Ariz. 313,
15 955 P.2d 951 (1998).

16 **A. Retaliatory Eviction Per ARS § 33-2148.**

17 Plaintiff's First Amended Complaint contains two causes of action: breach of
18 contract and retaliatory eviction. The retaliatory eviction claim is brought per ARS § 33-
19 2148. This statute prevents landlords from, relevantly, threatening to bring an action for
20 eviction after any of the following:

- 21 1. The tenant has complained to a governmental agency charged with responsibility
22 for enforcement of a building or housing code of a violation that applies to the
23 premises and that materially affects health and safety.
- 24 2. The tenant has complained to the landlord of a violation under this chapter.
- 25 3. The tenant has organized or become a member of a tenants' union or similar
26 organization.
- 27 4. The tenant has filed an action seeking relief pursuant to section 33-2107 or has
28 filed any other action against the landlord in an appropriate court. ARS § 33-
2148(A).

Plaintiff has not shown in his motion that he first engaged in any of the activities
enumerated that give rise to the protection of ARS § 33-2148. Conversely, Defendants

1 make a *prima facie* showing no material facts in dispute of the lack of Plaintiff's
2 engagement in the protected activity prior to the eviction notices and the non-retaliatory
3 basis for the breach notices.

4 In his Opposition to Cross-Motion, Plaintiff alleges that his email of September
5 24, 2025, wherein he denies Defendants' ability under ARS § 32-2132 to require a new
6 application, a new background check and new deposits, constitutes protected activity per
7 ARS § 33-2148(A)(2). *See* Defendants' Statement of Facts, Exhibits 4, 5. When the
8 Plaintiff denied the Defendants' ability to act, he mis-cited the law and does not
9 recognize the difference between "rules" of the park concerning use and occupancy and
10 lease renewal requirements. While Plaintiff complained, his complaint was not one of an
11 actual violation under the chapter. Plaintiff did not engage in protected activity prior to
12 the Defendants providing him with a lease termination notice.

13 The court finds that Defendants are entitled to summary judgment as to the
14 retaliation claim as a matter of law. The court finds that Plaintiff is not entitled to
15 summary judgment.

16 **IT IS ORDERED** granting summary judgment in favor of Defendants and against
17 Plaintiff, and denying Plaintiff's Motion for Partial Summary Judgment.

18 **B. Breach of Contract.**

19 Plaintiff's First Amended Complaint bases his claim for breach of contract on two
20 grounds: attempting to terminate the lease for pet-sitting, and for "attempting to
21 unilaterally modify material terms during the tenancy under threat of eviction." 1st
22 Amended Complaint, ¶ 13, 14.

23 Both allegations by Plaintiff involve an "attempt" by Defendants. Neither
24 allegation demonstrates a breach of the present contract nor anticipatory repudiation. "A
25 party anticipatorily repudiates a contract when he or she provides a positive and
26 unequivocal manifestation that the party will not perform when his or her duty to perform
27 arises." *Ratliff v. Hardison*, 219 Ariz. 441, 443, ¶ 9 (App. 2008) (citation and internal
28 quotation marks omitted). Neither party demonstrated a material fact in dispute, and
judgment as a matter of law is appropriate in Defendants' favor.

IT IS ORDERED granting Defendants' Motion for Summary Judgment and
denying Plaintiff's Partial Motion for Summary Judgment.

1
2 **V. Vexatious Litigant Designation Authority**

3 The Court has both statutory authority and inherent authority to deem a litigant as
4 vexatious. ARS § 12-3201, *Madison v. Groseth*, 230 Ariz. 8, 14, ¶ 17, 279 P.3d 633, 639
5 (App. 2012).
6

7 Access to courts is a fundamental right, so vexatious litigant orders should be
8 entered sparingly. *Id.* (citing *DeVries v. State*, 219 Ariz. 314, 321-22, ¶¶ 22-23, 198 P.3d
9 580, 587-88 (App. 2008), *De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990).)
10 Prior to designating a litigant as vexatious, the Court must: 1) allow the litigant notice
11 and an opportunity to oppose the order, 2) list all filings that form the basis of the order,
12 3) make findings regarding the litigant’s actions as frivolous and/or harassing in nature,
13 and 4) tailor the order to fit the specific “vice.” *Madison*, 230 Ariz. at 14, ¶ 18, 279 P.3d
14 at 639.
15
16

17 **a. Opportunity To Oppose The Order**

18 On March 13, 2026, Plaintiff filed his Response in Opposition to the Order. The
19 Court finds that Daniel Doria had the opportunity to oppose an order for vexatious litigant
20 designation.
21

22 **b. Filings That Form The Basis Of The Order**

23 The following documents filed into this case by Daniel Doria that are frivolous,
24 harassing in nature, or show a disregard for procedural rules:
25

- 26 1. December 4, 2025, “Notice of Status of Service.”
- 27 2. December 11, 2025, “Plaintiff’s Notice of Filing Supplemental Evidence.”
- 28 3. December 24, 2025, “Trial Brief.”
4. December 17, 2025, “Motion to Deem Service Complete Based on Statutory
Appointment and Estoppel.”
5. December 31, 2025, “Notice of Tender of Rent.”

- 1 6. January 6, 2026, "Motion for Clarification."
- 2 7. January 19, 2026, "Voluntary Dismissal Without Prejudice."
- 3 8. February 17, 2026, "Plaintiff's Response in Opposition to Defendant's Objection
- 4 to Voluntary Dismissal and Alternative Motion for Dismissal Under Rule
- 5 43(a)(2)."
- 6 9. March 4, 2026, "Plaintiff's Objection and Motion to Strike Defendant's Improper
- 7 Filings."
- 8 10. March 17, "Notice of Inconsistent Representations and Material
- 9 Misrepresentations to the Court."
- 10 11. March 24, 2026, "Plaintiff's Emergency Notice of Supplemental Authority re:
- 11 Defendant's Reply in Support of Vexatious Litigant Motion, and Plaintiff's
- 12 Emergency Notice of Supplemental Authority."
- 13 12. Plaintiff's Revised Supplemental Objection to Motion to Deem Vexatious;
- 14 Notice of Non-Compliance with April 22, 2026 Order,
- 15 13. Plaintiff's 2nd Revised Supplemental Objection to Motion to Deem Vexatious;
- 16 Notice of Non-Compliance with April 22, 2026 Order, and
- 17 14. Plaintiff's Omnibus Objection to Defendants' May 6, 2026 Filings and Notice of
- 18 Non-Response Pending Court Enforcement of the April 22, 2026 Order.

19
20 **c. Doria's Listed Filings Are Frivolous And/Or Harassing In Nature**

21 The enumerated filings by Daniel Doria listed above are deemed frivolous and/or
22 harassing in nature. They significantly increased the cost of this litigation to the
23 Defendant, unnecessarily. These filings by Daniel Doria comprise vexatious filings.

24
25 **d. Daniel Doria Is a Vexatious Litigant**

26 The Court finds that the vexatious filings in this case warrant a finding of vexatious
27 litigant designation. This Court therefore deems Daniel Doria a vexatious litigant under
28 A.R.S. § 12-3201.

IT IS THEREFORE ORDERED:

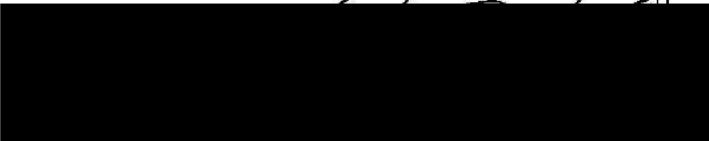
Pursuant to ARS § 12-3201 and this Court's inherent authority, Daniel T. Doria is

1 a vexatious litigant within the present case. The court does not expand this designation
2 outside of the present matter.

3
4 **IT IS THEREFORE ORDERED** Plaintiff Daniel T. Doria is deemed a vexatious
5 litigant for this matter only. Plaintiff Daniel T. Doria shall not file a new pleading, motion
6 or other document without prior leave of the Court and pursuant to A.R.S. § 12-3201(B) is
7 thereby barred from filing a new pleading, motion or other document without prior leave
8 of the court.

9 **This Court further finds** _____

10 DATED this 30th day of June, 2026.

11
12
13
14 By: 
15 Hon. Linda Wallace
16 Judge of the Superior Court
17
18
19
20
21
22
23
24
25
26
27
28